

ORDINANCE NO. 2023-10686

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS, BY AMENDING SECTIONS 8B-18 THROUGH 8B-20, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL MECHANICAL CODE AS THE MECHANICAL CODE FOR THE CITY OF IRVING, TEXAS; PROVIDING LOCAL AMENDMENTS, ADDITIONS, AND DELETIONS THERETO; ADOPTING PENALTY PROVISIONS; AND PROVIDING FOR SEVERABILITY, SAVINGS, AND AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments encourages local jurisdictions to adopt the 2021 International Codes; and

WHEREAS, the Construction Board of Appeals, among its other duties, has been created to obtain public comment on the periodic update of the code; and

WHEREAS, the Construction Board of Appeals has conducted a public meeting to receive public comments from persons affected by the proposed amendments to the code, and recommends adoption of the 2021 International Mechanical Code as the mechanical code for the City with the following local amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Chapter 8B entitled “Building Codes” of The Land Development Code of the City of Irving, Texas, is hereby amended by amending Sections 8B-18, 8B-19, and 8B-20 to read as follows:

Sec. 8B-18. International Mechanical Code.

The 2021 edition of the International Mechanical Code is adopted as the mechanical code of the City of Irving, Texas, as amended herein.

Sec. 8B-19. Local Amendments, additions, and deletions to the 2021 edition of the International Mechanical Code.

Amendments included in this section are intended to be specific code provisions. If there is a conflict between a provision in the published 2021 International Mechanical Code and this section, the specific provisions of this section shall control. Amendments, modifications, and deletions to the 2021 International Mechanical Code are adopted as follows:

- a. Chapter 1 (Scope and Administration), Section 101.1 is amended to read as follows:
101.1 Title. These regulations shall be known as the Mechanical Code of the City of Irving, hereinafter referred to as “this code” or “IMC.”
- b. Chapter 1 (Scope and Administration), Section 102.8 is amended to read as follows:
102.8 Referenced Codes and Standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever

amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 shall mean the National Electrical Code as adopted.

- c. Chapter 1 (Scope and Administration), Section 103.1 is amended to read as follows:
103.1 Creation of agency. The Department of Inspections is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- d. Chapter 1 (Scope and Administration), Section 115.4 is amended to read as follows:
115.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be charged with a class "C" misdemeanor, punishable by a fine not to exceed \$500.00. However, a fine for the violation of a provision of this chapter that governs fire safety, zoning, or public health and sanitation, including dumping or refuse, may not exceed \$2,000.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- e. Chapter 3 (General Regulations), Section 306.5 is amended to read as follows:
306.5 Equipment and Appliances on Roofs or Elevated Structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:
 - 1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
 - 2. Ladders shall have rung spacing not to exceed 14 inches (356 mm) on center. The upper-most rung shall be not more than 24 inches (610 mm) below the upper edge of the roof hatch, roof or parapet, as applicable.
 - 3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
 - 4. There shall be not less than 18 inches (457 mm) between rails.
 - 5. Rungs shall have a diameter not less than 0.75-inch (19 mm) and be capable of withstanding a 300-pound (136.1 kg) load.
 - 6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot (488.2 kg/m²). Landing dimensions shall be not less than 18 inches (457 mm) and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.
 - 7. Climbing clearance. The distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be not less than 30 inches (762 mm) measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom

of the roof hatch. A minimum clear width of 15 inches (381 mm) shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs, except where cages or wells are installed.

8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches (762 mm by 762 mm) centered in front of the ladder.

9. Ladders shall be protected against corrosion by approved means.

10. Access to ladders shall be provided at all times.

f. Chapter 3 (General Regulations), Section 306.5.1 is amended to read as follows:

306.5.1 Sloped Roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code. Access shall not require walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Where access involves obstructions greater than 30 inches (762 mm) in height, such obstructions shall be provided with ladders installed in accordance with Section 306.5 or stairways installed in accordance with the requirements specified in the International Building Code in the path of travel to and from appliances, fans or equipment requiring service.

g. Chapter 5 (Exhaust Systems), Section 501.3 is amended to add an exception and read as follows:

501.3 Exhaust Discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having private attics.
2. Commercial cooking recirculating systems.
3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.
4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

Sec. 8B-20. Penalty.

- a. A person commits an offense if the person violates a provision of the 2021 International Mechanical Code, as adopted and amended by the City of Irving, allows another person to violate a provision of the 2021 International Mechanical Code, as adopted and amended by the City of Irving, or fails to perform an act required of the person by the 2021 International

Mechanical Code, as adopted and amended by the City of Irving. A person commits a separate offense each day or portion of a day during which the violation is committed, allowed, or continued.

b. An offense described in Section 8B-20(a) is a class “C” misdemeanor and shall be punishable by a fine not to exceed \$500.00. However, a fine for the violation of a provision of this chapter that governs fire safety, zoning, or public health and sanitation, including dumping or refuse, may not exceed \$2,000.00.

c. The penalties provided for in this section are in addition to any other enforcement remedies that the city may have under other city ordinances or state law.

SECTION 2. That terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 3. That it is the intent of the Irving City Council that pending prosecutions, brought under the previous code, which this ordinance replaces, should continue under the terms and penalties of said code and be saved from dismissal as if said prior ordinances had not been repealed.

SECTION 5. That this ordinance shall become effective on February 13, 2023.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on January 12, 2023.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney